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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,149	02/11/2004	Daryl Gazzard	CING02-125	1192
39565	7590	10/27/2005	EXAMINER	
IP GROUP SHAW PITTMAN/CINGULAR & WIRELESS 1650 TYSONS BLVD. 13TH FLOOR MCLEAN, VA 22102			BEAMER, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,149

Applicant(s)

GAZZARD ET AL.

Examiner

Temica M. Beamer

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/11/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pöyhönen, U.S. Patent No. 5,915,219.

Regarding claim 1, Pöyhönen discloses scanning at least one frequency band (col. 7, lines 4-10); receiving a LAC (col. 5, lines 36-38, col. 7, lines 20-29); selecting a network service provider to attempt to perform a location update based on the LAC (col. 7, lines 20-29).

3. Claims 3-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Mölne.

Regarding claims 3-39, Mölne discloses providing a plurality files on a SIM of a mobile station (figures 3 and 4) (col. 7, lines 40-64), scanning frequency bands (at power up of the mobile unit) (col. 3, lines 20-32 and col. 4, lines 23-35); searching for a home network LAC and attempting to perform a location update on the home network LAC wherein the home LAC is defined in a first file in a SIM of the mobile station (col. 7, line 47-col. 8, line 13).

Mölne further discloses scanning multiple files stored in the SIM, files which include home networks, preferred networks, priority networks, etc. (figures 3 and 4), in an effort to select a service provider. The stored information includes the mobile country code (MCC). This code, along with other codes, is used to help the mobile determine which system to select (col. 8, lines 1-12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pöyhönen in view of Mölne.

Regarding claim 2, Pöyhönen discloses the method of claim 1 further comprising providing a plurality of files in a SIM of the mobile station wherein at least one of the plurality of files is used in selecting a network service provider (i.e., storing frequencies of subsystems in a SIM) (col. 6, lines 33-48).

Pöyhönen, however, fails to disclose the first-sixth files as described.

In a similar field of endeavor, Mölne discloses a mobile telephone for roaming using dual mode/band equipment including SIM cards. Mölne further discloses various files in a SIM card which store network information which help a mobile station select a service provider.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Pöyhönen with the teachings of Mölne for the purpose of providing the mobile station with more systems to select from when trying to communicate.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ericsson et al, U.S. Patent No. 5,956,637.

Ahmavarra et al, U.S. Patent No. 2004/0066756.

Torkki et al, U.S. Patent No. 6,636,742.

Prise, U.S. Patent Pub. No. 2002/0082049.

De Beer, U.S. Patent Pub. No. 2005/0101323.

Bridges et al, U.S. Patent No. 6,546,246.

Jiang et al, U.S. Patent Pub. No. 2004/0087305.

Leung et al, U.S. Patent Pub. No. 2002/0147012.

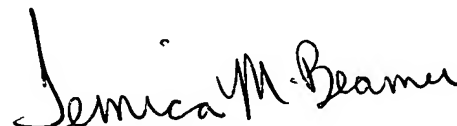
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

tmb


TEMICA BEAMER
PRIMARY EXAMINER